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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EPIC GAMES, INC.,

Plaintiff,

v.

APPLE INC.

Defendant.

Case No. 4:20-cv-05640-YGR-TSH

**[PROPOSED] ORDER RE NON-PARTY
SPOTIFY USA INC.'S
ADMINISTRATIVE MOTION TO SEAL
PORTIONS OF SPOT-EPIC-00001047**

On May 17, 2021, Non-Party Spotify USA Inc. (“Spotify”) filed an Administrative Motion to Seal portions of a document Spotify produced to Apple Inc. and Epic Games, Inc. bearing Bates numbers SPOT-EPIC-00001047 through SPOT-EPIC-00001066, if this document is admitted into evidence or filed with the Court or if the sealable portions of the document are discussed during trial proceedings in this action. Through its Administrative Motion to Seal Portions of SPOT-EPIC-00001047, Spotify moves to seal the following portions of the document:

Portion of Document Sought to be Sealed	Evidence Offered in Support of Sealing	Ruling
¶ 1.4 (highlighted portion)	Declaration of Benjamin Kung ¶¶ 10–11, 17	
¶¶ 1.5–1.6 (highlighted portions)	Declaration of Benjamin Kung ¶¶ 10–12, 17	
¶ 1.7 (highlighted portions)	Declaration of Benjamin Kung ¶¶ 12, 17	
¶ 2.1 (highlighted portion)	Declaration of Benjamin Kung ¶¶ 10–11, 17	
¶¶ 2.2–2.5 (full paragraphs)	Declaration of Benjamin Kung ¶¶ 10–11, 17	
Figure 1	Declaration of Benjamin Kung ¶¶ 10–11, 17	
¶¶ 2.6–2.12 (full paragraphs)	Declaration of Benjamin Kung ¶¶ 10–12, 17	
Table 1	Declaration of Benjamin Kung ¶¶ 10–12, 17	
Table 2	Declaration of Benjamin Kung ¶¶ 10–12, 17	
¶ 2.13 (full paragraph)	Declaration of Benjamin Kung ¶¶ 10–11, 17	
¶¶ 2.14–2.16 (full paragraphs)	Declaration of Benjamin Kung ¶¶ 10–12, 17	
Table 3	Declaration of Benjamin Kung ¶¶ 10–12, 17	
Figure 2	Declaration of Benjamin Kung ¶¶ 13–17	

Portion of Document Sought to be Sealed	Evidence Offered in Support of Sealing	Ruling
Figure 3	Declaration of Benjamin Kung ¶¶ 13–17	
Table 4	Declaration of Benjamin Kung ¶¶ 12, 17	
¶¶ 3.14–3.16 (highlighted portions)	Declaration of Benjamin Kung ¶¶ 12, 17	
Table 5	Declaration of Benjamin Kung ¶¶ 12, 17	

Civil Local Rule 79-5 provides that documents, or portions thereof, may be sealed if a party “establishes that the document[s], or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law.” Civil L.R. 79-5(b). A party seeking to seal a document must submit “narrowly tailored” requests, *id.*, and overcome the “strong presumption in favor of access” that applies to court documents other than those that are traditionally kept secret. *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (citation omitted). A party attempting to seal “evidence at trial must [] articulate ‘compelling reasons’ in favor of sealing.” *United States v. Bazaarvoice, Inc.*, 2014 WL 11297188, at *1 (N.D. Cal., 2014) (quoting *Kamakana*, 447 F.3d at 1178–79).

Compelling reasons exist to seal the information requested by Spotify for the reasons set forth in the Declaration of Benjamin Kung, which Spotify filed in support of its Administrative Motion to Seal Portions of SPOT-EPIC-00001047.

Having considered Spotify’s Administrative Motion and supporting declarations, IT IS HEREBY ORDERED THAT Spotify’s Administrative Motion to Seal Portions of SPOT-EPIC-00001047 is GRANTED. Accordingly, the unredacted version of the document sought to be sealed by the Motion shall remain under seal, and the public shall have access only to the version of this document that has been redacted to remove the sealable portions, as in the redacted version of Exhibits A to the Declaration of Shane M. Palmer in Support of Spotify’s Administrative Motion to Seal Portions of SPOT-EPIC-00001047.

IT IS SO ORDERED.

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2 Dated: _____, 2021
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5 _____
6 Honorable Yvonne Gonzalez Rogers
7 United States District Judge
8 Northern District of California
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